

REMARKS

Summary of the Office Action

Claims 1-20 are pending.

Claims 1-13 and 15-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,830,179 to Mikus, et al (hereinafter "Mikus").

Claims 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikus.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikus in view of US Patent 6,562,065 to Shanley (hereinafter "Shanley").

Summary of Response

Claims 17 and 18 have been cancelled. Claims 1, 6, 16, and 19 have been amended. No new matter is added by the changes.

The rejections of the claims are respectfully traversed.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-13 and 15-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mikus. Applicants respectfully traverse this ground of rejection.

Amended claim 1 recites that the distal section, e.g., the anchor, is "joined to a **distal** end of the proximal section," e.g., the stent. In contrast, Mikus discloses that the anchor is coupled to the **proximal** end of the stent. Specifically, the anchor is spaced from the stent so that it resides *downstream* of the stent. See column 6, lines 39-47.

Claim 1 has been amended to recite that the torsional stabilizer "extends beyond a junction between the proximal section and the distal section." Support for this amendment is found in Figs. 9-12 and the corresponding description at paragraphs [0070] to [0079]. Amended claim 1 requires that the torsional stabilizer extend from the end of

the proximal section beyond its junction with the distal section. Note, that claim 1 implies that the torsional stabilizer must be a different structure than the proximal section, the distal section, and the junction between the two.

In contrast, Mikus discloses optional wire 34 coupled between anchor portion 33 and stent 10. Mikus lacks a junction between the stent and anchor, as well as a structure at the end of the stent that extends beyond the junction. Thus, Mikus fails to disclose, teach, or otherwise suggest the features of claim 1.

In view of the foregoing, it is respectfully submitted that Mikus is distinguished by claim 1, as well as by claims 2-13 and 15 which depend therefrom.

Amended claim 16 recites a vascular prosthesis comprising *inter alia* a "distal section coupled to a distal end of the helical body" and "a torsional stabilizer coupled to the distal end of the proximal section and extending beyond a plane defined by the longitudinal axis and the junction." As discussed above in respect of claim 1, these features of claim 16 are not disclosed, taught, or otherwise suggested by Mikus. Accordingly, Mikus is distinguished by claims 16 and 19.

Claims 17 and 18 have been cancelled, mooted the rejection thereof.

It is respectfully requested, therefore, that the rejection of claims 1-13 and 15-19 under 35 U.S.C. § 102(b) as being anticipated by Mikus be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikus. Applicants respectfully traverse this rejection.

As discussed above in respect of claim 1, Mikus fails to disclose, teach, or suggest a torsional stabilizer as claimed. Therefore, Mikus cannot teach or suggest a torsional stabilizer having "one or more radiopaque markers" as recited by claim 20. Accordingly, Mikus is distinguished by claim 20.

It is respectfully requested, therefore, that the rejection of claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Mikus be reconsidered and withdrawn.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikus in view of Shanley. Applicants respectfully traverse this rejection.

As discussed above in respect of claim 1, Mikus fails to disclose, teach, or suggest a torsional stabilizer as claimed. Therefore, Mikus cannot teach or suggest a torsional stabilizer having a "through-hole configured to contain a

therapeutic agent" as recited by claim 14. Shanley adds nothing that would supply the missing teaching. Accordingly, Mikus is distinguished by claim 14.

It is respectfully requested, therefore, that the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Mikus in view of Shanley be reconsidered and withdrawn.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that the application, including claims 1-16, and 19-20, is in condition for allowance. An early and favorable response is earnestly requested.

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Respectfully submitted,

/MJDeHaemerJr#39164/
Michael J. DeHaemer, Jr.
Reg. No. 39,164
Attorney for Applicants

LUCE, FORWARD,
HAMILTON & SCRIPPS, LLP
11988 El Camino Real, Suite 200
San Diego, California 92130
Tel: (858) 720-6300
Fax: (858) 720-6306

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